

### REMARKS

Claims 1 to 16 are pending in this application, of which claims 1 and 9 are independent. Favorable reconsideration and further examination are respectfully requested.

Applicant acknowledges the Examiner's indication that claims 2 and 3 would be allowable if rewritten in independent form to include the base claim and any intervening claims. Applicant, however, has not amended the claims as suggested by the Examiner, because Applicant believes that the claims as amended are patentable for at least the reasons set forth below.

In the Office Action, the Examiner has indicated that the status of all parent priority applications be included in the first line of the specification. In response, Applicant has included, in the specification, an additional section entitled "Related Applications".

The Examiner objected to the specification because of the number of amended items in the previous amendment. Applicant encloses herein a substituted specification. Applicant submits that no new matter has been added. The Examiner has also indicated that the title is unacceptable. Applicant has amended the title, as shown above.

Applicant notes the Examiner's reminder on the abstract. Applicant has included a new abstract, which is believed to be acceptable.

Turning to claims rejections, claims 1 to 8 were rejected under §112, paragraph 2, for alleged indefiniteness. In particular, the Examiner rejected the phrase "divided into first connecting path and second connecting paths" in claim 1. Accordingly, Applicant has amended

the phrase. The Examiner also rejected the phrases "occupied resources" and "sufficient resources" in claim 1. Applicant has removed these phrases.

The Examiner has further alleged that the phrases "first storage" and "second storage" are not properly differentiated. Applicant disagrees. Applicant submits that these terms are properly differentiated. The first storage area is for storing bits of information associated with an availability of bandwidth for the first set of connection paths. The second storage area is for storing bits of information associated with an availability of bandwidth for the second set of connection paths.

In view of the foregoing, Applicant respectfully requests removal of the §112 rejections.

Turning to the prior art rejections, claims 1 and 4 to 16 were rejected under 35 U.S.C. § 102(a) over FIG. 2 of Applicant's application. As shown above, Applicant has amended the claims to define the invention more clearly. In view of these amendments, withdrawal of the art rejection is respectfully requested.

Claim 1, as amended, is directed to a communication network. The communications network includes second switching equipment, and first switching equipment connected to the second switching equipment by connection paths. The connection paths include a first set of connection paths and a second set of connection paths. The first switching equipment allocates a first transmission channel to any one of the first set of connection paths and the second switching equipment allocates a second transmission channel to any one of the second set of connection paths. The first switching equipment includes a first storage area for storing bits of information associated with an availability of bandwidth for the first set of connection paths, a second storage

area for storing bits of information associated with an availability of bandwidth for the second set of connection paths, and a controller to determine whether a suitable connection path exists in the first set of connection paths based on the bits of information stored in the first storage area. The suitable connection path provides suitable bandwidth for a requested connection. If the suitable connection path does not exist in the first set of connection paths, the controller selects the second switching equipment, based on the bits of information stored in the second storage area, to allocate the second transmission channel to the requested connection.

The applied art is not understood to disclose or suggest the foregoing features of claim 1. In particular, FIG. 2 does not disclose or suggest that if the suitable connection path does not exist in the first set of connection paths, the controller selects the second switching equipment, based on the bits of information stored in the second storage area, to allocate the second transmission channel to the requested connection.

In this regard, FIG. 2 describes switching equipment 1 that includes storage 4 that includes the availability of bandwidths for those connections paths for which switching equipment 1 may allocate a transmission channel. However, FIG. 2 does not disclose or suggest storing in memory the availability of bandwidths for other connections paths for which a second switching equipment has authorization to allocate a transmission channel. Furthermore, FIG. 2 does not disclose or suggest that the controller selects the second switching equipment when the availability of bandwidth is not detected in those connection paths for which the first switching equipment has authorization to allocate a transmission channel. Therefore, FIG. 2 does not disclose or suggest that if the suitable connection path does not exist in the first set of connection

paths, the controller selects the second switching equipment, based on the bits of information stored in the second storage area, to allocate the second transmission channel to the requested connection.

For at least the foregoing reasons, Applicant submits that claim 1 and its dependent claims are allowable.

Claim 9, as amended, is a method claim that roughly corresponds to claim 1. Applicant submits that claim 9 is allowable for at least the foregoing reasons given for claim 1.

For at least the foregoing reasons, Applicants request withdrawal of the art rejections.

Applicant submits that all dependent claims now depend directly or indirectly on allowable independent claims.

In view of the foregoing amendments and remarks, Applicant believes that the entire application is now in condition for allowance. Such action is respectfully requested at the Examiner's earliest convenience.

It is further believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Arno Brill  
Serial No. : 09/623,638  
Filed : September 6, 2000  
Page : 19 of 19

Attorney's Docket No.: 12758-052US1  
Client Ref No.: 1998P01313WOUS

The correspondence address for Applicant's attorney is shown below. Applicant's attorney may also be reached by telephone at (617) 521-7812.

Enclosed is a \$420 fee for the Two-Month Extension of Time. No other fee is believed to be due for this Amendment; however, if any other fees are due, please apply such fees to Deposit Account No. 06-1050 referencing Attorney Docket 12758-052US1.

Respectfully submitted,

Date: \_\_\_\_\_

8 July 2004

Anthony T. Moosey

Anthony T. Moosey  
Reg. No. 55,773

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906